

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1842 of 1996
To
FIRST APPEAL No. 1854 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Appellant(s)
Versus

AMARBA KESHUBHA - WIFE - Defendant(s)

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Appearance :

MR UDAY BHATT A.G.P. for Appellant(s) : 1,
None for Defendant(s) : 1,
RULE SERVED for Defendant(s) : 1.2.1, 1.2.2, 1.2.3, 1.2.4,
1.2.5, 1.2.6

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 22/02/2007

ORAL COMMON JUDGMENT

1. This group of 13 appeals is arising from the common judgment and award made by the learned Assistant

Judge, Morbi dated 15th February, 1996 in Land Reference Case No. 301/1987 and its allied reference cases. Hence, they are heard together and now they are being disposed of by this common judgment. These appeals are filed under Section 54 of the Land Acquisition Act by the State of Gujarat to challenge the aforesaid award. The lands in question were acquired for Demi-2 Irrigation Scheme. In the reference case the award made by the Deputy Collector was challenged in Land Acquisition case No. 13/84 dated 25th June, 1985. The Reference Court has awarded Rs.150/- per Are for Jirayat land Rs.200=00 per Are for Bagayat land.

3. I have perused the record of this appeal and I have also heard Mr. Bhatt, learned A.G.P., for the appellant. Respondents though served, have not appeared. Considering the fact that in these appeals the claim for the purpose of Court fees is very small, these appeals can be disposed of on the ground of smallness of the amount. By now, it is well settled proposition of law laid down by this Court that in the cases involving petty claims, the appeals can be disposed of without entering into the merits of the case. The Division Bench of this Court in the decision rendered in the case of Deputy Collector v. Bhikha Gokal in First Appeal No. 6765 of 1999 dated 29th March, 2000, has observed as under:

"It is the consistent practice which is followed by various Division Bench of this Court that wherein claim involved in the Land Reference Cases is less than Rs.35,000=00, appeal should be dismissed on the ground that it involves petty claim. Claimants have lost their only source of livelihood i.e., their agricultural lands which were compulsorily acquired for the public purpose of Uben Irrigation Scheme. If these appeals are admitted and kept for final hearing, it would cause great hardship and financial loss to the claimants because they will have to incur expenses of engaging advocate and other miscellaneous expenses. Therefore, these appeals require to be dismissed on the ground of petty claim alone. We, however, make it clear that we have not gone into the merits or de-merits of the References filed by the claimants and this judgment will not be cited as a precedent for the similar appeals filed for the determination of the market value of the acquired lands arising from the very acquisition of Uben Irrigation Scheme."

4. In view of the same, the claim in these appeals can be safely placed in the category of 'petty claim.' Therefore, without entering into the merits of the case, the appeals are required to be dismissed and they are dismissed.

[Akshay H Mehta, J.]

/phalguni/